

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, EX
REL. MICHAEL N. SWETNAM, JR.,

Plaintiff,

V.

**VALLEY BAPTIST HEALTH
SYSTEM and VALLEY BAPTIST
MEDICAL CENTER**

Defendants.

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CIVIL ACTION NO. 1:08-CV-446

ORDER

On this date, the Court considered Defendants, Valley Baptist Health System and Valley Baptist Medical Center’s (collectively, “Valley Baptist”) Motion for Partial Summary Judgment Regarding Relator’s Claim for Certain Damages (the “Motion”). After considering the Motion, the pleadings and the evidence on file, and the arguments of counsel, if any, the Court is of the opinion that the Motion has merit. It is therefore,

ORDERED, ADJUDGED and DECREED that the Motion is granted; it is further

ORDERED, ADJUDGED and DECREED that Relator, Michael N. Swetnam, Jr. (“Relator”) cannot, as a matter of law, recover disgorgement damages from Valley Baptist for violations of the False Claims Act (“FCA”); it is further

ORDERED, ADJUDGED and DECREED that Relator cannot, as a matter of law, recover unjust enrichment damages from Valley Baptist for violations of the FCA; it is further

ORDERED, ADJUDGED and DECREED that, should the fact finder determine that Valley Baptist violated the FCA, the civil penalty sought by Relator shall be based on each annual cost report that is false and which Valley Baptist submitted after October 2, 2002.

Dated: _____.

United States District Judge